

Republic of Moldova

PARLIAMENT

DECISION No. 218
dated 10/24/2008

Code of violations of the Republic of Moldova*

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AMENDED

LP113 dated 8/15/19, MO260/ 8/17/19 Art. No. 361; effective date 8/17/19

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Article 91¹. Violation of the legislation regarding the control of the placing on the market and consumption of tobacco products

(1) Import, placing on the market or marketing of tobacco products and related products not packed and labeled according to the legal provisions is sanctioned with a fine from 78 to 90 conventional units applied to the natural person, with a fine from 270 to 300 conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(2) Import, placing on the market or marketing of food products, toys and/or other products associated with tobacco products shall be sanctioned with a fine from 72 to 90 conventional units applied to the natural person, with a fine from 270 to 300 conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(3) Placing on the market of oral, chewing and nasal tobacco, or products containing added nicotine in quantities higher than those stated by the legislation in force shall be sanctioned with a fine from 78 to 90 conventional units applied to the natural person, with a fine from 270 to 300 conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(4) Import, placing on the market or marketing of tobacco products with emission levels exceeding the limits stated by the legislation in force shall be sanctioned with a fine from 72 to 90 conventional units applied to the natural person, with a fine from 270 to 300

conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(5) The placing on the market of tobacco products and related products containing ingredients prohibited by the tobacco control legislation shall be sanctioned with a fine from 270 to 300 conventional units applied to the legal person.

(6) The placing on the market of tobacco products for smoking and related products containing false, misleading presentation and labeling elements or which may create erroneous impressions of the characteristics, health effects, risks and emissions of these products, the placing on the market of tobacco products for smoking and related products containing presentation and labeling elements suggesting that a particular tobacco product for smoking or related product is less harmful than others or has revitalizing, energizing, healing, rejuvenating, natural, organic, or other beneficial effects on health or lifestyle or refer to odor, taste, presence or absence of flavors and/or other additives shall be sanctioned with a fine from 240 to 270 conventional units applied to the legal person.

(7) The placing on the market or marketing of tobacco products without the traceability mark shall be sanctioned with a fine from 240 to 270 conventional units applied to the legal person, with or without the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(9) Failure to submit to the National Public Health Center by the established deadlines of the information provided by the tobacco control legislation and/or the submission of unreliable and incomplete information shall be sanctioned with a fine from 240 to 270 conventional units applied to the person in charge, with a fine from 270 to 300 conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(10) The marketing of tobacco products for smoking and related products by other means than through sale/purchase, without the seller and the buyer being physically one in the presence of another, shall be sanctioned with a fine from 72 to 90 conventional units applied to the natural person, with a fine from 240 to 270 conventional units applied to the legal person.

(11) Conspicuous display of tobacco products, related products, devices and accessories for their use, recharging or heating in commercial spaces accessible to the public shall be sanctioned with a fine from 72 to 90 conventional units applied to the natural person, with a fine from 240 to 270 conventional units applied to the person in charge, with a fine from 270 to 300 conventional units applied to the legal person.

(12) Failure to display in commercial units of information regarding the prohibition of the sale of tobacco products and related products to persons under 18 years of age shall be sanctioned with a fine from 150 to 180 conventional units applied to the person in charge, with a fine from 210 to 240 conventional units applied to the legal person, with or without the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(13) The sale of tobacco products to underage people or the sale of tobacco products without verifying the age of the buyer in the manner established by the legislation shall be sanctioned with a fine from 72 to 90 conventional units applied to the natural person.

(14) Failure to display the specific “no smoking” sign shall be sanctioned with a fine from 150 to 180 conventional units applied to the person in charge, with a fine from 210 to 240 conventional units applied to the legal person, with or without the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(15) Acceptance of smoking in enclosed and semi-enclosed public spaces, including in communal places, workplaces and in other places where smoking is prohibited by the legislation in force shall be sanctioned with a fine from 210 to 270 conventional units applied to the person in charge, with a fine from 270 to 300 conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(16) Acceptance of smoking in public transportation means shall be sanctioned with a fine from 78 to 90 conventional units applied to the natural person, with a fine from 90 to 120 conventional units applied to the person in charge, with a fine from 270 to 300 conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(17) Smoking in enclosed and semi-enclosed public spaces, including in communal places, at workplaces, in open public spaces administered by medical or educational facilities, central and local public authorities, including on their respective territories, within 10 meters from the open entrance to enclosed public spaces, including communal places, and to workplaces, from open windows and from air intake places/units for enclosed public spaces and for workplaces shall be sanctioned with a fine from 30 to 42 conventional units applied to the natural person.

(18) Smoking in the public transportation means, in the private transportation means where minors are present, under the roof of public transport shelters, in amusement parks and on children’s playgrounds, on stadiums, arenas, markets and other public spaces which are open during public entertainment events or other events shall be sanctioned with a fine from 30 to 42 conventional units applied to the natural person.

(20) Marketing of tobacco products in prohibited places - units with a commercial area of less than 20 m² located at a distance less than 200 m from educational and medical facilities shall be sanctioned with a fine from 15 to 30 conventional units applied to the natural person, with a fine from 20 to 50 conventional units applied to the person in charge, with a fine from 150 to 250 conventional units applied to the legal person.

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Article 364¹. Violation of legislation concerning advertising and sponsorship of tobacco products and related products

(1) The placement and/or dissemination of ads for tobacco products, related products, devices and accessories for their use, recharging or heating and promoting, including by sponsorship, of tobacco products, related products, devices and accessories for their use, recharging or heating, which have as their purpose or effect the direct or indirect stimulation of sales and the increasing consumption of tobacco products and related products, shall be sanctioned with a fine from 84 to 90 conventional units applied to the natural person, with a fine from 270 to 300 conventional units applied to the legal

person with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.

(2) The use of trademarks of tobacco products, related products, devices and accessories for their use, recharging or heating when promoting other products or services, as well as the use of trademarks of other products or services in promoting tobacco products, related products, devices and accessories for their use, recharging or heating, use of smoking accessories, devices and accessories for use, recharging or heating of tobacco products and related products for direct or indirect promotion of tobacco products and/or related products, promotional offering or as a gift of tobacco products and/or related products, devices and accessories for their use, recharging or heating shall be sanctioned with a fine from 60 to 72 conventional units applied to the person in charge, with a fine from 240 to 270 conventional units applied to the legal person, with the deprivation of the right to carry out a certain activity for a period from 6 months to one year.